IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Bail Appl..No. 4467 of 2007()

CR.NO.305/07 OF TALIPARAMBA POLICE STATION, KANNUR DT.

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PETITIONER/ACCUSED NO.8

MANDENKANDI SHAMMAS @ KUNNOOL VALAPPIL
SHAMMAS, S/O MUHAMMED, AGED 19 YEARS,
ALLAMKULAM, TALIPARAMBA P.O., TALIPARAMBA AMSOM
DESOM, TALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI
SRI.V.JOHN SEBASTIAN RALPH

RESPONDENTS: COMPLAINANT

STATION HOUSE OFFICER,
TALIPARAMBA POLICE STATION, KANNUR DISTRICT.
(CRIME NO.305/07 OF TALIPARAMBA POLICE STATION,
KANNUR DISTRICT) REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4467 of 2007

Dated this the 24th day of July 2007

O R D E R

Application for regular bail. The petitioner faces allegations inter alia under Section 436 I.P.C. The crux of the allegations is that in an incident which was part of a series of incidents of conflict between two rival political groups - I.U.M.L and C.P.M, the petitioner indulged in culpable overt acts to set fire to a shop belonging to a person of the rival political group. The alleged incident took place on 8/5/2007. The petitioner was arrested 3/7/2007. He is accused in another similar crime also. The investigation is not complete yet. Some of the co-accused have been arrested and enlarged on bail. Some remain to be apprehended.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Considering the age of the petitioner (19 years) and the period of time that he has been in custody - from 03/07/2007, regular bail can be granted to the petitioner subject to appropriate conditions, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor submits that the investigating officer may be given some further time to complete the investigation. Appropriate terms and conditions may also be imposed, in the interests of the law and order situation in the locality.

4. I am satisfied that subject to appropriate conditions, the petitioner can be released on bail.

5. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 31/07/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays for a period of three months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

iv) The petitioner shall not for a period of one month from the date of his release enter the jurisdiction of Taliparamaba police station, except for the purpose of complying with condition No.iii) above.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007